

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:10-CR-144-D-1
7:17-CV-196-D

JAMES WILLIAM PAUL SANDERSON,)

Petitioner,)

v.)

UNITED STATES OF AMERICA,)

Respondent.)

ORDER

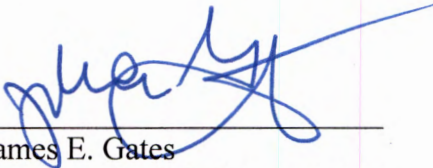
This matter was referred to the undersigned to conduct an evidentiary hearing on one of the claims raised in petitioner's motion (D.E. 197) to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. *See* 11 January 2019 Order (D.E. 211). Specifically, an evidentiary hearing is required to determine whether trial counsel failed to file an appeal at petitioner's request. Because petitioner has previously demonstrated that he is financially unable to obtain adequate representation (*see* D.E. 7, 8), the Federal Public Defender is DIRECTED to provide representation in this matter pursuant to Rule 8(c) of the Rules Governing Section 2255 Proceedings, 28 U.S.C. § 2255(g), and 18 U.S.C. § 3006A(a)(2)(B). This appointment shall be LIMITED to representation of petitioner on the motion to vacate.

The court further determines that petitioner is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b), the Clerk shall issue a subpoena for any witness necessary to support petitioner's position on the matter specified herein.

It is FURTHER ORDERED that the United States Marshal shall serve any subpoena presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed, in accordance with Fed. R. Crim. P.
17(b).

SO ORDERED, this 15 day of January 2019.



James E. Gates
United States Magistrate Judge